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WEEKLY COMPILATION OF

PRESIDENTIAL DOCUMENTS

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Administration of Jimmy Carter

PRESIDENTIAL DOCUMENTS

Week Ending Friday, January 5, 1979

Relations With the People on Taiwan

Memorandum From the President. December 30, 1978

Memorandum for all Departments and Agencies

Subject: Relations with the People on Taiwan

As President of the United States, I have constitutional responsibility for the conduct of the foreign relations of the nation. The United States has announced that on January 1, 1979, it is recognizing the government of the People's Republic of China as the sole legal government of China and is terminating diplomatic relations with the Republic of China. The United States has also stated that, in the future, the American people will maintain commercial, cultural and other relations with the people of Taiwan without official government representation and without diplomatic relations. I am issuing this memorandum to facilitate maintaining those relations pending the enactment of legislation on the subject.

I therefore declare and direct that:

(A) Departments and agencies currently having authority to conduct or carry out programs, transactions, or other relations with or relating to Taiwan are directed to conduct and carry out those programs, transactions, and relations beginning January 1, 1979, in accordance with such authority and, as appropriate, through the instrumentality referred to in paragraph D below.

(B) Existing international agreements and arrangements in force between the United States and Taiwan shall continue in force and shall be performed and enforced by departments and agencies beginning January 1, 1979, in accordance with their terms and, as appropriate, through that instrumentality.

(C) In order to effectuate all of the provisions of this memorandum, whenever any law, regulation, or order of the United States refers to a foreign country, nation, state, government, or similar entity, departments and agencies shall construe those terms and apply those laws, regulations, or orders to include Taiwan.

(D) In conducting and carrying out programs, transactions, and other relations with the people on Taiwan, interests of the people of the United States will be represented as appropriate by an unofficial instrumentality in corporate form, to be identified shortly.

(E) The above directives shall apply to and be carried out by all departments and agencies, except as I may otherwise determine.

I shall submit to the Congress a request for legislation relative to non-governmental relationships between the American people and the people on Taiwan.

This memorandum shall be published in the FEDERAL REGISTER.

JIMMY CARTER

[Filed with the Office of the Federal Register, 4:26 p.m., January 2, 1979]

Premier Hua Kuo-feng of the People's Republic of China

New Year's Message From the President. January 1, 1979

Today, after a generation of isolation from each other, the United States of America and the People's Republic of China establish full diplomatic relations between our governments. The cause of world peace will be served by this historic act of reconciliation.

The estrangement of our peoples has sometimes produced misunderstanding, confrontation and enmity. That era is behind us. We can now establish normal patterns of commerce, and scholarly and cultural exchange. Through common effort, we can deepen the new ties of friendship between our peoples, and we can jointly contribute to the prosperity and stability of Asia and the Pacific region.

Precisely because our two countries have different traditions, cultures, and political and economic systems, we have much to gain from each other. The United States prizes the great variety of opinions and origins among its own citizens. Similarly, the United States desires a world of diversity in which each nation is free to make a distinctive contribution to express the manifold aspirations, cultures, traditions, and beliefs of mankind.

The American people value the enormous contributions the Chinese people have made to the achievements of humanity. And we welcome the growing involvement of the People's Republic of China in world affairs. We consider China as a key force for global peace.

We wish to cooperate closely with the creative Chinese people on the problems that confront all people.

Your Excellency, in our country, the first day of the New Year is a time of rededication and resolve. In that spirit, we pledge during the coming years:

—to continue as an enlightened Asian and Pacific power, determined to help maintain peace and stability in the region;

—to enrich the lives of our peoples, both spiritually and materially, through expanded trade, tourism, and student and cultural exchanges, and cooperation in the sciences, all on a basis of equality and mutual benefit; and

—to extend our hands across the Pacific to you in friendship and peace.

Vice Premier Teng Hsiao-p'ing of the People's Republic of China

New Year's Message From the President. January 1, 1979

On this New Year's Day, I welcome the establishment of full diplomatic relations between the United States of America and the People's Republic of China.

New tasks now await us. The new Sino–American relationship offers great potential benefit to the welfare of our peoples,

to the promotion of peace and prosperity of the Asia-Pacific region, and to stability throughout the world.

The American people—and I personally—look forward to your forthcoming visit to the United States. In Washington, we can talk seriously with each other about both global and bilateral matters.

Together, we can seize the opportunity your visit affords us to foster a constructive and enduring relationship between our two peoples. To that end, Mrs. Carter joins me in wishing you and Madame Cho Lin a Happy New Year, and we look forward to greeting you in the United States.

Meeting With Prime Minister Malcolm Fraser of Australia

White House Statement. January 2, 1979

President Carter met with the Prime Minister of Australia, the Right Honorable Malcolm Fraser, in the Cabinet Room at the White House at 11 a.m., Tuesday, January 2, 1979, for an hour. Prime Minister Fraser was accompanied by Australian Foreign Minister Andrew Peacock, Ambassador to the United States Alan Renouf, and Mr. Geoffrey Yeend, Secretary of the Department of the Prime Minister and Cabinet. Vice President Mondale, Secretary of State Cyrus Vance, Assistant to the President for National Security Affairs Zbigniew Brzezinski, and other U.S. officials also were present.

In the context of the close U.S.-Australian friendship and alliance, President Carter and Prime Minister Fraser discussed a broad range of gobal and regional topics of importance to Australia and the United States, including developments in Iran and the Middle East, the need for cooperation among the developed nations to combat inflation and restore economic health and stability throughout the world, and the recent United States decision to normalize relations with the People's Republic of China.

Following the meeting with the President, Secretary of State Vance hosted a luncheon for Prime Minister Fraser and his party at the State Department.

Office of Personnel Management; Merit Systems Protection Board

Appointment of Members. January 2, 1979

The President today announced four recess appointments to positions created by the civil service reorganization plan, effective January 1, 1979. They are:

ALAN K. CAMPBELL, previously Chairman of the Civil Service Commission, is appointed Director of the Office of Personnel Management;

JULE M. SUGARMAN, previously Vice Chairman of the Civil Service Commission, is appointed Deputy Director of the Office of Personnel Management;

RUTH T. PROKOP, previously General Counsel of the Department of Housing and Urban Development, is appointed as Chairman of the Merit Systems Protection Board; and

H. PATRICK SWYGERT, previously General Counsel of the Civil Service Commission, is appointed Special Counsel of the Merit Systems Protection Board. Swygert, 35, a graduate of Howard University Law School, was a professor of law at Temple University before joining the Civil Service Commission.

Executive Schedule

Executive Order 12111. January 2, 1979

LEVELS IV AND V OF THE EXECUTIVE SCHEDULE

By the authority vested in me as President of the United States of America by

Section 5317 of Title 5 of the United States Code, and in order to place the position of Counselor on Labor Management Relations, Department of Commerce, in level IV of the Executive Schedule, Executive Order No. 12076, as amended, is further amended by deleting "Assistant to the Secretary and Land Utilization Adviser, Department of the Interior." from Section 1–102(g) and inserting "(s) Counselor on Labor Management Relations, Department of Commerce." in alphabetical order in Section 1–101 thereof.

JIMMY CARTER

The White House,
January 2, 1979.

[Filed with the Office of the Federal Register, 2:01 p.m., January 2, 1979]

Seal for the Office of Administration

Executive Order 12112. January 2, 1979

By the authority vested in me as President by the Constitution of the United States of America, it is hereby ordered as follows:

1–101. There is established for the Office of Administration in the Executive Office of the President an official seal described as follows:

On a blue seal, the Arms of the United States proper above the inscription "OFFICE OF ADMINISTRATION," in gold raised letters, all within a white border edged gold and inscribed "EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES," in blue raised letters. Dark blue suggested by the Seal of the President denotes the direct organizational link with the Presidential office.

1–102. The seal shall be of the design which is attached hereto and made a part of this Order.

JIMMY CARTER

The White House,
January 2, 1979.

[Filed with the Office of the Federal Register, 2:02 p.m., January 2, 1979]

NOTE: The seal of the Office of Administration is printed in the FEDERAL REGISTER of January 4, 1979.

American Bolt, Nut, and Large Screw Industry

Proclamation 4632. January 4, 1979

TEMPORARY DUTY INCREASE ON THE IMPORTATION INTO THE UNITED STATES OF CERTAIN BOLTS, NUTS AND SCREWS OF IRON OR STEEL

By the President of the United States of America

A Proclamation

1. Pursuant to section 201(d)(1) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2251(d)(1)), the United States International Trade Commission, hereinafter referred to as the USITC, on November 3, 1978, reported to the President (USITC Report 201–37) the results of its investigation under section 201(b) of the Trade Act (19 U.S.C. 2251(b)). The USITC determined that certain bolts, nuts and screws of iron or steel provided for in items 646.49, 646.54, 646.56, and 646.63 of the Tariff Schedules of the United States (TSUS) are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles. The USITC rec-

ommended the imposition of additional duties on imports of the above specified articles.

2. On December 22, 1978, pursuant to section 202(b)(1) of the Trade Act (19 U.S.C. 2252(b)(1)), and after taking into account the considerations specified in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I determined to prevent or remedy the injury or threat thereof found to exist by the USITC through the proclamation of a temporary duty increase different from that recommended by the USITC. On December 22, 1978, in accordance with section 203(b)(1) of the Trade Act (19 U.S.C. 2253(b)(1)), I transmitted a report to the Congress setting forth my determination and intention to proclaim a temporary duty increase and stating the reasons why my decision differed from the action recommended by the USITC.

3. The bolts and nuts provided for in items 646.54 and 646.56 of the TSUS are currently eligible for duty-free treatment under the Generalized System of Preferences (GSP), and section 503(c)(2) of the Trade Act (19 U.S.C. 2463(c)(2)) provides that no article shall be eligible for purposes of the GSP for any period during which such article is the subject of any action proclaimed pursuant to section 203 of the Trade Act (19 U.S.C. 2253).

4. Section 203(e)(1) of the Trade Act (19 U.S.C. 2253(e)(1)) requires that import relief be proclaimed and take effect within 15 days after the import relief determination date.

5. Pursuant to sections 203(a)(1), 203(e)(1), and 503(c)(2) of the Trade Act (19 U.S.C. 2253(a)(1), 2253(e)(1), and 2463(c)(2)), I am providing import relief, as hereinafter proclaimed, through the temporary increase of import duty on, and, where applicable, the removal from eligibility for duty-free entry under the GSP, of the bolts, nuts and screws of iron or steel covered by the affirmative finding of the USITC.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including General Headnote 4 of the TSUS (19 U.S.C. 1202), sections 203, 503 and 604 of the Trade Act (19 U.S.C. 2253, 2463, and 2483), and in accordance with Articles I and XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A12 and 61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

(1) Part I of Schedule XX to the GATT is modified to conform to the action taken in the Annex to this proclamation.

(2) Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this proclamation.

(3) GSP eligibility is removed for the bolts and nuts covered by items 923.51 and 923.52 of the Annex to this proclamation.

(4) This proclamation shall be effective as to articles entered, or withdrawn from warehouse, for consumption on or after January 6, 1979, and before the close of January 5, 1982, unless the period of its effectiveness is earlier expressly modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of January, in the year of our Lord nineteen hundred and seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

[Filed with the Office of the Federal Register, 12:56 p.m., January 4, 1979]

NOTE: The annex is printed in the FEDERAL REGISTER of January 8, 1979.

International Trade Agreements

Memorandum From the President.
January 4, 1979

Memorandum for the Special Representative for Trade Negotiations

I have today sent the attached notices to the Speaker of the U.S. House of Representatives and the President of the Senate. These notices shall be published in the FEDERAL REGISTER.

JIMMY CARTER

Dear Mr. Speaker: (Dear Mr. President:)

We have an important opportunity this year to build a new and better approach to international trade. The first important step depends on acceptance and implementation by the Congress of the agreements reached in the Tokyo Round of multilateral trade negotiations. We are now within sight of a successful conclusion to these negotiations. I am confident that the results will embody the U.S. objectives outlined by the Congress in the Trade Act of 1974 and developed in close consultation with members of the Congress, their staffs, and our private-sector advisors. Neither Bob Strauss, my Special Trade Representative, nor I will accept anything less on behalf of the United States.

The progress of the negotiations is such that I can notify the Congress at this time of our intention to enter into several international agreements dealing mainly with non-tariff trade matters. These agreements, to which Congress gave a high priority in its mandate for the negotiations, are intended primarily to ensure that the international trading system is both fair and open. The agreements are listed and identified below and are described more fully in an attachment to this letter.

• An agreement on *subsidies and countervailing duties* will limit trade-distorting subsidy practices and will enunciate more clearly the right of the United States and others to counteract such practices. The agreement may provide for a number of conforming changes in the international Anti-dumping Code.

• An agreement on *safeguards* in response to a specific Congressional directive, will ensure that countries observe international trading rules when temporarily limiting imports that are injuring domestic industries.

• An agreement on *technical barriers to trade* or *standards* will require countries to use fair and open procedures in the adoption of product standards and related practices that affect international trade.

• An agreement on *government procurement* will increase opportunities for American and other exporters to bid for sales to foreign governments.

• An agreement on *licensing* will reduce the extent to which unnecessary or unduly complicated import licensing requirements impede trade.

• An agreement on *customs valuation* will encourage more uniform methods of appraising imports for the purpose of applying import duties.

• An agreement on *commercial counterfeiting* will promote cooperation and uniform approaches for this growing trade problem.

• An agreement on *aircraft* will provide a basis for fairer trade in this important U.S. export sector.

• Agreements to *improve the international trading framework* will tighten the handling of international trade disputes, respond to needs of developing countries in a fair and balanced manner, modernize the international rules applicable to trade measures taken in response to balance-of-payments emergencies, and provide a basis for examining the existing international rules on export and import restraints, while currently strengthening

those rules through improvements in the dispute-settlement procedures.

Several other agreements on tariff and non-tariff matters have been negotiated in response to specific requests that were made by the United States or other countries. These agreements are described in the attachments.

In addition, members of the Administration will be consulting with the Congress about the implementation of several agreements on *agricultural trade* that we intend to enter into at about the time the Tokyo Round is concluded. These agreements will provide for a fairer international sharing of the burdens in international wheat trade, and will encourage consultations and cooperation on international trade in coarse grains, meat, and certain dairy products. The agricultural agreements are also expected to improve the application of accepted international trading rules to agricultural trade.

In accordance with procedures specified in the Trade Act, the United States will not enter into the agreements outlined above for the next 90 calendar days. After the agreements have been signed, they will be submitted for Congressional approval, together with whatever legislation and administrative actions may be needed to implement the agreements in the United States. The agreements will not take effect with respect to the United States, and will have no domestic legal force, until the Congress has specifically approved them and enacted any appropriate implementing legislation.

During Congressional consideration of these agreements, we will also supply information on the related negotiations to reduce, harmonize, or eliminate tariff barriers, and on the recent establishment of an International Steel Agreement in the Organization for Economic Cooperation and Development.

The success of the Tokyo Round and its implementation will be the product of a good working relationship among the Congress, the Administration, and the American public. Through these agreements and their domestic implementation, we can construct trade policies and institutions that advance our national interest and enhance the prosperity of our people. I look forward to our working together to complete this effort.

Sincerely,

JIMMY CARTER

NOTE: The notices are printed in the FEDERAL REGISTER of January 8, 1979.

Deputy Assistant to the President

Appointment of William Simpson. January 4, 1979

The President announced today that Mr. William Simpson of Gulfport, Miss., will join the White House staff immediately as Deputy Assistant to the President. In this capacity, Mr. Simpson will be working with Hamilton Jordan and his staff on the priority goals and programs of the administration.

Simpson was born in Gulfport on July 29, 1923. He attended the Marion Military Institute, Marion, Ala., and the University of Mississippi before graduating from the U.S. Merchant Marine Academy at Kings Point, N.Y. He saw combat service as a naval midshipman and officer in the Pacific Theater in World War II.

From 1947 to 1965, he was associated with his father and brother in operating the family shrimp and oyster canning facility in Gulfport. From 1965 to 1968,

he was special assistant to Mississippi Governor Paul B. Johnson, Jr. Simpson also served as first chairman of the Mississippi Marine Conservation Commission and as president of the State Port Authority at Gulfport.

From 1968 through 1978, Simpson was administrative assistant to Senator James O. Eastland of Mississippi, who served as President Pro Tempore of the Senate from 1972 until his recent retirement.

Federal Pay and the Anti-Inflation Program

Memorandum From the President. January 4, 1979

Memorandum for the Heads of Executive Departments and Agencies

Subject: Federal Pay and the Anti-inflation Program

The success of our anti-inflation effort is critical to the economic well-being of the nation. To achieve this success, it is vital that the Government, in managing its own affairs, join with the rest of the nation in a positive commitment to reducing inflationary pressures. Accordingly, I have determined that it would be inconsistent with the public interest for any category of Federal pay rates to be increased by more than 5.5 percent during fiscal year 1979.

To this end, this Administration and the Congress have frozen Federal executive pay altogether, and have placed a 5.5 percent ceiling on pay increases for most Federal workers—those under the General Schedule and related pay systems, the members of the uniformed services, and most Federal wage employees.

However, there are substantial numbers of nonappropriated fund employees and other workers employed by entities of the Federal Government who are not covered by these Government-wide actions, since they are under a variety of relatively small pay systems over which you have pay setting authority. In order to ensure that proposed pay increases for other pay systems do not exceed the maximums for Federal pay that the Congress and I have set, the policy of this Administration is:

In the public interest to control inflation, each officer or employee in the executive branch who has administrative authority to set rates of pay for any Federal officers or employees should exercise such authority, to the extent permissible under law, treaty, or international agreement, in such a way as to ensure that no rate of pay for any category of officers or employees is increased more than 5.5 percent during fiscal year 1979. Specifically excluded from this limitation are rates of pay for foreign nationals authorized under the Foreign Service Act of 1946 as amended (22 U.S.C. 889) and increases in rates of pay to implement the minimum wage provisions of the Fair Labor Standards Act of 1938, as amended, as authorized under currrent agency policies.

The Chairman of the Civil Service Commission, until January 1, 1979, and the Director of the Office of Personnel Management, on and after January 1, 1979, will provide you with any further advice or assistance you may need in complying with this policy.

JIMMY CARTER

Independent Water Project Review

Executive Order 12113. January 4, 1979

By the authority vested in me as President by the Constitution and laws of the United States of America, in furtherance

of the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 *et seq.*), and in order to ensure coordinated planning and independent review of Federal water resource programs and projects, it is hereby ordered as follows:

1–101. The Water Resources Council shall ensure that it has established a current set of principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects (42 U.S.C. 1962a–2).

1–102. The Council shall ensure that an impartial technical review is performed on preauthorization reports or proposals and preconstruction plans for Federal and Federally assisted water, and related land resources, projects and programs, as they are defined in the Council's principles and standards.

1–103. The Council shall develop a planning manual for use by each agency (a) in calculating benefits and costs by using the best available techniques and (b) in applying the principles and standards in a consistent manner.

1–104. The impartial technical review shall evaluate each report, proposal, or plan for compliance with (a) the Council's principles and standards, (b) the planning manual or, pending issuance of the manual, established agency procedures, (c) other Federal laws, regulations and guidelines relevant to the planning process, and (d) the goal of wide public participation in the development of project plans, including adequate opportunity for public comment and adequate consideration of those views.

1–105. (a) Beginning April 1, 1979, all agencies shall submit, prior to their approval by the head of the agency, preauthorization reports or proposals and preconstruction plans for Federal and Federally assisted water, and related land resources, projects and programs to the Council at least 90 days prior to the scheduled time for their submission to the Office of Management and Budget in support of authorization or funding requests for those activities in fiscal year 1981 and subsequent years.

(b) An agency shall not submit to the Council more than one-third of the total reports, proposals, and plans scheduled for review in any fiscal year during any quarter of that fiscal year.

(c) Within 60 days of the submission by an agency of a report, proposal, or plan, the Chairman of the Council shall transmit the results of the impartial technical review to the appropriate agency head, including identification of any specific variations from Council approved procedures and manuals and the steps necessary to bring the plan into conformance therewith.

1–106. (a) All agency reports, proposals and plans submitted to the Council for review shall include sufficient information to allow an adequate technical review. In particular, this information shall include:

(1) Sufficient documentation to allow a technical review of the analysis by the agency of the ratio of the benefit to the cost.

(2) Evidence that an adequate evaluation has been made of reasonable alternatives, including nonstructural ones, for addressing the water-related problems of the affected regions and communities.

(3) An explanation of the relationship of the plan to any approved regional water resource management plans.

(4) A summary of the consideration given to water conservation measures and a listing of those measures incorporated into the plan.

(5) Evidence that there has been com-

pliance with relevant environmental and other laws and requirements.

(6) Evidence that the public and State and local officials have been involved in the plan formulation process.

(b) If the documents and information necessary for the review are not initially submitted, the Chairman may extend the review period by not more than 30 days. If the documents and information submitted do not demonstrate compliance, a finding detailing the areas of noncompliance will be transmitted to the agency head.

1–107. Before any agency submits to the Congress, or to any committee or member thereof, a report relating to, or affecting in whole or in part its advance programs, or the public works and improvement projects comprising such programs, or the results of any plan preparation for such programs or projects, such report or plan shall be submitted to the Office of Management and Budget for advice as to its relationship to the program of the President. When such report or plan is thereafter submitted to the Congress, or to any committee or member thereof, it shall include a statement of the advice received from the Office of Management and Budget.

1–108. Agency submissions to the Office of Management and Budget of the reports, proposals or plans reviewed pursuant to this Order shall be accompanied by a statement of the findings transmitted to the agency head.

1–109. Executive Order No. 9384 of October 4, 1943, as amended, is revoked.

JIMMY CARTER

The White House,
January 4, 1979.

[Filed with the Office of the Federal Register, 3:37 p.m., January 5, 1979]

NOTE: The text of the Executive order was released on January 5.

Independent Water Project Review

Memorandum From the President. January 4, 1979

Memorandum for the Chairman and Members of the Water Resources Council

In my Water Resources Policy Reform Message of June 6, 1978, I stated that an independent project review unit would be created in the Water Resources Council to ensure water projects have been planned in accordance with the Principles and Standards and other planning requirements. Today I have signed an Executive Order which establishes this independent water project review function in the Water Resources Council.

I look forward to your speedy organization of the independent review unit. As described in my Water Policy Message, I expect the review function will be performed by a professional staff of about 30 and will be operational in time for the 1981 budget cycle. Rules, regulations and procedures necessary to implement the independent review function should be published in proposed form in the FEDERAL REGISTER within six weeks and in final form within the following six months.

JIMMY CARTER

NOTE: The text of the memorandum was released on January 5.

Environmental Effects Abroad of Major Federal Actions

Executive Order 12114. January 4, 1979

By virtue of the authority vested in me by the Constitution and the laws of the United States, and as President of the United States, in order to further environ-

mental objectives consistent with the foreign policy and national security policy of the United States, it is ordered as follows:

SECTION 1.

1–1. *Purpose and Scope.* The purpose of this Executive Order is to enable responsible officials of Federal agencies having ultimate responsibility for authorizing and approving actions encompassed by this Order to be informed of pertinent environmental considerations and to take such considerations into account, with other pertinent considerations of national policy, in making decisions regarding such actions. While based on independent authority, this Order furthers the purpose of the National Environmental Policy Act and the Marine Protection Research and Sanctuaries Act and the Deepwater Port Act consistent with the foreign policy and national security policy of the United States, and represents the United States government's exclusive and complete determination of the procedural and other actions to be taken by Federal agencies to further the purpose of the National Environmental Policy Act, with respect to the environment outside the United States, its territories and possessions.

SEC. 2.

2–1. *Agency Procedures.* Every Federal agency taking major Federal actions encompassed hereby and not exempted herefrom having significant effects on the environment outside the geographical borders of the United States and its territories and possessions shall within eight months after the effective date of this Order have in effect procedures to implement this Order. Agencies shall consult with the Department of State and the Council on Environmental Quality concerning such procedures prior to placing them in effect.

2–2. *Information Exchange.* To assist in effectuating the foregoing purpose, the Department of State and the Council on Environmental Quality in collaboration with other interested Federal agencies and other nations shall conduct a program for exchange on a continuing basis of information concerning the environment. The objectives of this program shall be to provide information for use by decisionmakers, to heighten awareness of and interest in environmental concerns and, as appropriate, to facilitate environmental cooperation with foreign nations.

2–3. *Actions Included.* Agencies in their procedures under Section 2–1 shall establish procedures by which their officers having ultimate responsibility for authorizing and approving actions in one of the following categories encompassed by this Order, take into consideration in making decisions concerning such actions, a document described in Section 2–4(a):

(a) major Federal actions significantly affecting the environment of the global commons outside the jurisdiction of any nation (e.g., the oceans or Antarctica);

(b) major Federal actions significantly affecting the environment of a foreign nation not participating with the United States and not otherwise involved in the action;

(c) major Federal actions significantly affecting the environment of a foreign nation which provide to that nation:

(1) a product, or physical project producing a principal product or an emission or effluent, which is prohibited or strictly regulated by Federal law in the United States because its toxic effects on the environment create a serious public health risk; or

(2) a physical project which in the United States is prohibited or strictly regulated by Federal law to protect the environment against radioactive substances.

(d) major Federal actions outside the United States, its territories and possessions which significantly affect natural or

ecological resources of global importance designated for protection under this subsection by the President, or, in the case of such a resource protected by international agreement binding on the United States, by the Secretary of State. Recommendations to the President under this subsection shall be accompanied by the views of the Council on Environmental Quality and the Secretary of State.

2–4. *Applicable Procedures.* (a) There are the following types of documents to be used in connection with actions described in Section 2–3:

(i) environmental impact statements (including generic, program and specific statements);

(ii) bilateral or multilateral environmental studies, relevant or related to the proposed action, by the United States and one or more foreign nations, or by an international body or organization in which the United States is a member or participant; or

(iii) concise reviews of the environmental issues involved, including environmental assessments, summary environmental analyses or other appropriate documents.

(b) Agencies shall in their procedures provide for preparation of documents described in Section 2–4(a), with respect to actions described in Section 2–3, as follows:

(i) for effects described in Section 2–3 (a), an environmental impact statement described in Section 2–4(a)(i);

(ii) for effects described in Section 2–3 (b), a document described in Section 2–4(a) (ii) or (iii), as determined by the agency;

(iii) for effects described in Section 2–3(c), a document described in Section 2–4(a) (ii) or (iii), as determined by the agency;

(iv) for effects described in Section 2–3(d), a document described in Section 2–4(a) (i), (ii) or (iii), as determined by the agency.

Such procedures may provide that an agency need not prepare a new document when a document described in Section 2–4(a) already exists.

(c) Nothing in this Order shall serve to invalidate any existing regulations of any agency which have been adopted pursuant to court order or pursuant to judicial settlement of any case or to prevent any agency from providing in its procedures for measures in addition to those provided for herein to further the purpose of the National Environmental Policy Act and other environmental laws, including the Marine Protection Research and Sanctuaries Act and the Deepwater Port Act, consistent with the foreign and national security policies of the United States.

(d) Except as provided in Section 2–5 (b), agencies taking action encompassed by this Order shall, as soon as feasible, inform other Federal agencies with relevant expertise of the availability of environmental documents prepared under this Order.

Agencies in their procedures under Section 2–1 shall make appropriate provision for determining when an affected nation shall be informed in accordance with Section 3–2 of this Order of the availability of environmental documents prepared pursuant to those procedures.

In order to avoid duplication of resources, agencies in their procedures shall provide for appropriate utilization of the resources of other Federal agencies with relevant environmental jurisdiction or expertise.

2–5. *Exemptions and Considerations.* (a) Notwithstanding Section 2–3, the following actions are exempt from this Order:

(i) actions not having a significant effect on the environment outside the

United States as determined by the agency;

(ii) actions taken by the President;

(iii) actions taken by or pursuant to the direction of the President or Cabinet officer when the national security or interest is involved or when the action occurs in the course of an armed conflict;

(iv) intelligence activities and arms transfers;

(v) export licenses or permits or export approvals, and actions relating to nuclear activities except actions providing to a foreign nation a nuclear production or utilization facility as defined in the Atomic Energy Act of 1954, as amended, or a nuclear waste management facility;

(vi) votes and other actions in international conferences and organizations;

(vii) disaster and emergency relief action.

(b) Agency procedures under Section 2–1 implementing Section 2–4 may provide for appropriate modifications in the contents, timing and availability of documents to other affected Federal agencies and affected nations, where necessary to:

(i) enable the agency to decide and act promptly as and when required;

(ii) avoid adverse impacts on foreign relations or infringement in fact or appearance of other nations' sovereign responsibilities; or

(iii) ensure appropriate reflection of:

(1) diplomatic factors;

(2) international commercial, competitive and export promotion factors;

(3) needs for governmental or commercial confidentiality;

(4) national security considerations;

(5) difficulties of obtaining information and agency ability to analyze meaningfully environmental effects of a proposed action; and

(6) the degree to which the agency is involved in or able to affect a decision to be made.

(c) Agency procedures under Section 2–1 may provide for categorical exclusions and for such exemptions in addition to those specified in subsection (a) of this Section as may be necessary to meet emergency circumstances, situations involving exceptional foreign policy and national security sensitivities and other such special circumstances. In utilizing such additional exemptions agencies shall, as soon as feasible, consult with the Department of State and the Council on Environmental Quality.

(d) The provisions of Section 2–5 do not apply to actions described in Section 2–3(a) unless permitted by law.

SEC. 3.

3–1. *Rights of Action.* This Order is solely for the purpose of establishing internal procedures for Federal agencies to consider the significant effects of their actions on the environment outside the United States, its territories and possessions, and nothing in this Order shall be construed to create a cause of action.

3–2. *Foreign Relations.* The Department of State shall coordinate all communications by agencies with foreign governments concerning environmental agreements and other arrangements in implementation of this Order.

3–3. *Multi-Agency Actions.* Where more than one Federal agency is involved in an action or program, a lead agency, as determined by the agencies involved, shall have responsibility for implementation of this Order.

3–4. *Certain Terms.* For purposes of this Order, "environment" means the natural and physical environment and excludes social, economic and other environments; and an action significantly affects the environment if it does significant harm to the environment even though on balance the agency believes the action to be beneficial to the environment. The term "export approvals" in

Section 2–5(a)(v) does not mean or include direct loans to finance exports.

3–5. *Multiple Impacts.* If a major Federal action having effects on the environment of the United States or the global commons requires preparation of an environmental impact statement, and if the action also has effects on the environment of a foreign nation, an environmental impact statement need not be prepared with respect to the effects on the environment of the foreign nation.

JIMMY CARTER

The White House,
January 4, 1979.

[Filed with the Office of the Federal Register, 3:38 p.m., January 5, 1979]

NOTE: The text of the Executive order was released on January 5.

Digest of Other White House Announcements

The following listing includes the President's public schedule and other items of general interest announced by the White House Press Office and not included elsewhere in this issue.

January 1

The President returned to the White House from Camp David, Md.

January 2

The President met at the White House with Zbigniew Brzezinski, Assistant to the President for National Security Affairs.

January 3

The President met at the White House with:

—Vice President Walter F. Mondale, Charles L. Schultze, Chairman of the Council of Economic Advisers, James T. McIntyre, Jr., Director of the Office of Management and Budget, Alfred E. Kahn, Adviser to the President and Chairman of the Council on Wage and Price Stability, Barry P. Bosworth, Director of the Council on Wage and Price Stability, and Stuart E. Eizenstat, Assistant to the President for Domestic Affairs and Policy;

—Dr. Brzezinski;

—Ambassador Andrew J. Young, U.S. Representative to the United Nations;

—Secretary of Energy James R. Schlesinger.

January 4

The President met at the White House with Dr. Brzezinski.

The President left the White House for a trip to Guadeloupe. In the evening, he met with President Valéry Giscard d'Estaing of France, Prime Minister James Callaghan of Great Britain, and Chancellor Helmut Schmidt of the Federal Republic of Germany.

January 5

The President began 2 days of meetings with President Giscard d'Estaing, Prime Minister Callaghan, and Chancellor Schmidt.

NOMINATIONS SUBMITTED TO THE SENATE

NOTE: The Congress having adjourned *sine die* on Sunday, October 15, 1978, no nominations were submitted during the period covered by this issue. The first session of the 96th Congress will begin on Monday, January 15.

CHECKLIST OF WHITE HOUSE PRESS RELEASES

The following listing contains releases of the White House Press Office which are not included in this issue.

CHECKLIST—Continued

Released January 1, 1979

Text: New Year's message from Secretary of State Cyrus R. Vance to Huang Hua of the People's Republic of China

Released January 5, 1979

Fact sheet: on Executive Order 12114, concerning environmental effects abroad of major Federal actions

ACTS APPROVED BY THE PRESIDENT

NOTE: The President completed his consideration of acts and joint resolutions passed during the second session of the 95th Congress on November 10, 1978. The first session of the 96th Congress will begin on Monday, January 15.

Editor's Note

On Thursday, January 4, the President left the White House for 2 days of meetings in Guadeloupe with President Valéry Giscard d'Estaing of France, Prime Minister James Callaghan of Great Britain, and Chancellor Helmut Schmidt of the Federal Republic of Germany. Following the meetings, the President and members of his family will spend 3 days at the residence of Mr. and Mrs. Guy Maillard, Prefect of Guadeloupe. Releases issued on the trip will be printed next week.

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[See Index of Contents for documents in this issue]

Note: This Index should be retained until the Annual Index to Volume 14 is available. Users should also retain the Semiannual Index and Third Quarter Index (printed separately). Beginning with the issue dated January 15, 1979, the Cumulative Index to Prior Issues will be limited to documents published in Volume 15 of the Weekly Compilation of Presidential Documents.

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